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Senate

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Bishop Eddie Long, of the New Birth Missionary Baptist Church, Decatur, GA.

PRAYER

The guest Chaplain, Bishop Eddie Long, offered the following prayer:

Father we bless You and we honor You for the unconditional love You show to us. We bless You for the mercy You have bestowed upon us and for the overflowing grace given us each day. Father, allow us this day to have the courage of David as we face those who wish to destroy our moral fabric.

O Lord, bless this Senate to have the patience of Your servant, Job, as they carve out a rational solution to eradicating the harshness of terrorism. We ask You to move now throughout these hallowed walls and use these men and women to rid our world of the evil scourge of terrorism. We pray now for the President of these United States. Give him wisdom and understanding. Let him have the endurance of a lion as he bears the ultimate weight of providing for our national security; grace him with the tenderness of a lamb as he nurtures our Nation from the wounds inflicted by the barbaric. We also pray for the commanders and the soldiers who may be sent into harm's way.

We also pray, Father, for the families of those who lost their lives as a result of the horrific acts which took place on September 11. Lord, we further our prayer for those who were wounded on that day and for the souls of those who exited this life. We pray Your grace on the rescue workers who have not ceased their efforts to bring normalcy back to our Nation. It is our prayer, Lord, that as we, the United States, seek Your face, You will truly hear

from heaven and that You will comfort us in Your miraculous way; that You will wipe the tears from this Nation's eyes and that You surely will heal our land. We offer this prayer up to You, understanding we are hard-pressed on every side but not crushed, perplexed but not in despair; persecuted but not abandoned; struck down but not destroyed.

In Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will resume consideration of the motion to proceed on the aviation security bill. There is every hope that sometime today we can begin consideration of that bill.

As I mentioned yesterday, there has been significant progress made on a number of different issues, not the least of which is the tremendous work done by the Judiciary Committee. Senator HATCH, working under the chairmanship of Senator LEAHY until about 3 this morning, I understand, completed their overall work in reaching an agreement on the antiterrorism legislation. It is very important that has been accomplished. It has taken tremendous time of that committee. They have worked literally night and day.

My former press secretary's husband works on that committee. I had the good fortune of being able to go to a long-scheduled dinner with him last Saturday. He had to change clothes in the car. He had been working all night Friday and Saturday. The staffs work very hard.

In spite of that and all the work they have done, the Judiciary Committee today is going to meet and report out an appeals judge from the State of New York, a district court judge from Mississippi, up to 15 U.S. attorneys, one Assistant Attorney General, and the Director of the U.S. Marshal's Service. They are going to have a hearing today dealing with a circuit court judge from Louisiana, two judges from Oklahoma, a district court judge from Kentucky, a district court judge from Nebraska. I am very happy to say that a professor from the University of Nevada-Las Vegas Law School is going to be, I hope, reported out of that committee soon. There will be a hearing on him today, Jay Bybee, to be Assistant Attorney General for the Office of Legal Counsel.

Next week they have already scheduled a long awaited hearing on John

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Walters to be the Director of the Office of National Drug Policy Control. They are going to have a hearing on October 16 on Tom Sansometti, and then on October 18 they are going to have a hearing on another circuit judge and 5 district court judges.

I say this because the Judiciary Committee is overwhelmed with work, and in spite of that we are moving at a very rapid pace. When Senator LEAHY became chairman of the Judiciary Committee, there had not been any judges reported out. That had been 6 months this year. We have done this much work already this year, which I think is significant.

During the first year of President Clinton's Presidency, it is my recollection—I do not have that before me—we had three circuit court judges during that entire year. We are going to surpass that this year quite easily.

This morning at 8, Senator BYRD called a meeting. Of course with him was the ranking member of the Appropriations Committee. He met with the 13 subcommittee chairs and the ranking members to talk about how we would move forward on appropriations bills. We now have the numbers, and we are going to move forward as rapidly as possible.

We still have five bills that have not received Senate action. Seven of them have received Senate action and we are waiting to complete a conference with the House. Under Senate rules, the only way we can move to other matters is by unanimous consent.

I have been in consultation with the majority leader, and as a result of the work done by the Judiciary Committee in arriving at final numbers, it is now appropriate we do things today other than be in morning business. We have work in the Senate that needs to be done and that can be done, in spite of the fact there is a motion to proceed on this aviation security bill, which is so important.

UNANIMOUS CONSENT REQUEST— H.R. 2506

Mr. REID. I ask unanimous consent that the Senate now proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, reserving the right to object, I admonish the body that we are ready to go forward and, as the distinguished assistant majority leader points out, we ought to be using the time available to conduct other business, if we cannot go forward with the airline security bill. I have been talking with Senator MCCAIN to coordinate this effort. While the managers' amendment is yet to be finalized, we have other amendments. It seems to me we could get some kind of agreement with respect to relevant amendments and consider these measures. It would not be time wasted.

This procedure of moving to another bill puts airport security in limbo. We are not having votes tomorrow or Monday, and certainly not on the weekend.

Reagan National is up and running again, and we have shuttles going to New York and Boston and otherwise, but the holdup in ensuring the security of our airports is now on the part of the Senate.

Mr. REID. I say to the chairman of the Commerce Committee, who has worked so hard on this issue and is our leader on this issue, the Senator is right. Once we get agreement to be able to proceed to this bill, which we wanted to do yesterday, of course, we could do that. In the meantime, whether it is an hour, 2 hours, or 3 hours, whatever Senator LEAHY could do would be time well spent.

Once there is any agreement that has been reached by the Senator from South Carolina with the minority, we would be happy to immediately move off of that.

The point we are making, I say to my friend from South Carolina, there is no need we be in morning business all day. We have things to do. The Senator can be assured that once there is any agreement on this vital legislation, airport security, we will get off of this. I have spoken with Senator LEAHY. He agrees. The Senator does not have to worry; We want to keep full focus on this legislation.

Mr. HOLLINGS. I thank the distinguished leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object to the unanimous consent request.

Mr. REID. Madam President, I am very disappointed. We need to move forward on this legislation. We had an objection yesterday on airport security. Now we have one on this appropriations bill. We have worked so well these past 3 weeks together. We need to continue. That is the reason I went through the list of work we are doing on the judges. We are working as hard as we can. We have been consulting with the majority leader and assistant minority leader on how to move forward. We are doing our level best to do that.

I am very disappointed there has been an objection by the minority to moving forward on an unfinished appropriations bill. It is too bad. I would, of course, ask we go to the Agriculture appropriations bill, but there would be the same objection, so that is a waste of the Senate's time. That is too bad.

The President has reached out to the majority in the Senate. We have done our best to work with the President. I am very disappointed. I am confident the President would like us to move forward on these appropriations bills. I think the President himself knows how hard we are working on these nominations. As I said, if you compare what we have done to the early years of the Clinton administration, we are doing just fine.

Madam President, this is not payback time for the fact that we didn't get many of our judges approved. This is not payback time. We are working through the process as quickly as we can. These judges have been nominated in an appropriate fashion. A lot of them were late getting here, but we are moving through them as quickly as we can. I think it is unfortunate we cannot move forward on these appropriations bills.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AVIATION SECURITY ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to consideration of S. 1447, a bill to improve the aviation security, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. REID. Will the Senator withhold for a unanimous consent?

Mr. THOMAS. Certainly.

Mr. REID. It is my understanding the minority is having a party conference. If I could ask my friend, for the next hour or so perhaps we should go into morning business. Any objection to that?

Mr. THOMAS. No objection.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent until the hour of 11:30 today we be in a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIORITIZING

Mr. THOMAS. Madam President, I say to my friend from Nevada, all Members are anxious to move forward with this airport security bill. Unfortunately, the impediment basically has been the threat to bring up amendments that are unrelated. This ought to be held to moving that. There will be a conference going on designed to come to an agreement with regard to this bill. Hopefully, we will be back on the floor with it today.

I am pleased to hear the Judiciary Committee is finally moving on the judges. We have a total of 6 that have been confirmed. There are 107 vacancies; that is a 12½-percent vacancy. The total of nominees not yet dealt